

STATE OF MAINE
PUBLIC UTILITIES COMMISSION

Docket No. 2004-727

December 30, 2004

WINTHROP UTILITIES DISTRICT
Proposed Rate Change Pursuant to
35-A M.R.S.A. Section 6104 – 4.8%
Increase in Revenues

ORDER

WELCH, Chairman; DIAMOND and REISHUS, Commissioners

I. SUMMARY

In this Order, we allow the Winthrop Utilities District's proposed rates filed pursuant to §6104, to go into effect on January 1, 2005.

II. DISCUSSION

On October 22, 2004, Winthrop Utilities District (Winthrop) filed pursuant to 35-A M.R.S.A. §6104, a proposed rate change that would result in a 4.8% increase in its revenues effective January 1, 2005. Winthrop held a public hearing on November 22, 2004. On December 6, 2004, Winthrop filed its signed tariff pages. We note that the cover letter on this filing was dated December 1, 2004. The petition deadline was December 22, 2004 and the Commission did not receive a petition requesting an investigation from Winthrop's customers.

35-A M.R.S.A §6104(6) states that subject to the notice and waiver requirements of section 307, water utilities electing to set rates under this section may establish an effective date for a rate change of at least one month, but no more than nine months, from the date the rates are filed with the Commission. The proposed effective date of January 1, 2005 is less than one month from the date the proposed tariffs were filed with the Commission. However, 35-A M.R.S.A §307 states that the Commission may, for good cause shown, allow changes upon less than the notice specified.

Based upon the information presented and the absence of a petition or complaints from Winthrop's customers, we have determined that no further investigation is necessary and that we will not suspend the operation of the proposed schedule. The only concern with the filing was with the date filed. The rates proposed did not change from the rates Winthrop included in its informational filing made in October. While we see no useful purpose in investigating this matter further, we will take this occasion to remind Winthrop that the filing date is the date when the Commission receives the filing, not the date of the cover letter or the date mailed.

Accordingly, we approve Sheets 1 through 5, Second Revision and Sheet 6, First Revision, effective January 1, 2005.

Dated at Augusta, Maine, this 30th day of December, 2004.

BY ORDER OF THE COMMISSION

Dennis L. Keschl
Administrative Director

COMMISSIONERS VOTING FOR: Welch
 Diamond
 Reishus

NOTICE OF RIGHTS TO REVIEW OR APPEAL

5 M.R.S.A. § 9061 requires the Public Utilities Commission to give each party to an adjudicatory proceeding written notice of the party's rights to review or appeal of its decision made at the conclusion of the adjudicatory proceeding. The methods of review or appeal of PUC decisions at the conclusion of an adjudicatory proceeding are as follows:

1. Reconsideration of the Commission's Order may be requested under Section 1004 of the Commission's Rules of Practice and Procedure (65-407 C.M.R.110) within 20 days of the date of the Order by filing a petition with the Commission stating the grounds upon which reconsideration is sought.
2. Appeal of a final decision of the Commission may be taken to the Law Court by filing, within 30 days of the date of the Order, a Notice of Appeal with the Administrative Director of the Commission, pursuant to 35-A M.R.S.A. § 1320(1)-(4) and the Maine Rules of Civil Procedure, Rule 73, et seq.
3. Additional court review of constitutional issues or issues involving the justness or reasonableness of rates may be had by the filing of an appeal with the Law Court, pursuant to 35-A M.R.S.A. § 1320(5).

Note: The attachment of this Notice to a document does not indicate the Commission's view that the particular document may be subject to review or appeal. Similarly, the failure of the Commission to attach a copy of this Notice to a document does not indicate the Commission's view that the document is not subject to review or appeal.